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RECEIVED AND FILED  
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N.J. BOARD OF DENTISTRY  
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STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF DENTISTRY

IN THE MATTER OF

VINCENT A. LABRUNA, D.D.S.  
License No. 22 DI 1778200

LICENSED TO PRACTICE DENTISTRY  
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information that Vincent A. LaBruna, D.D.S. ("respondent"), had consented to the surrender of his license to practice as a dentist in the State of New York. The New York State Board of Regents ("New York Board") granted respondent's application for the surrender of his dental license on January 24, 2002 on the basis of respondent having been found guilty of Health Care Fraud (18 U.S.C. 1347), a Class C Felony. Specifically, the offense, which took place from March 1994 through January 2000, involved respondent submitting false and fraudulent claims and other documents, such as operative reports, to various health insurance companies seeking hundreds of thousands of dollars in reimbursement to which he was not entitled. Respondent was sentenced on January 3, 2002, by the Honorable Barbara S. Jones, U.S. District Judge for SDNY to twenty seven

(27) months incarceration, a \$100.00 special assessment fee, \$425,000.00 restitution and three (3) years supervised release. Respondent was released from custody on February 27, 2004 and was placed on a three year supervised release term.

Additionally, respondent was also licensed to practice dentistry in the Commonwealth of Pennsylvania. Formal disciplinary action was filed against respondent before the Pennsylvania State Board of Dentistry on February 10, 2004. On April 26, 2005, respondent's license to practice dentistry in Pennsylvania was revoked by the Pennsylvania State Board of Dentistry. Pennsylvania took this action based on respondent's conviction for Health Care Fraud (18 U.S.C. 1347). Additionally, Pennsylvania based the revocation on respondent's failure to report the voluntary surrender of his New York license to the Pennsylvania State Board of Dentistry.

Respondent filed an application for reinstatement of his New Jersey license in July 2003 listing Pennsylvania as the only state, other than New Jersey, in which he had ever held a license. Respondent never revealed the prior existence of his New York license. Additionally, respondent answered "No" in response to the query on his reinstatement application regarding whether his license has ever been revoked or suspended by a state licensing board. Respondent failed to reveal that his application for surrender of his New York license had been granted by that board on or about January 24, 2002. Respondent's license to practice dentistry in the State of New Jersey was reinstated on October 9, 2003 in reliance on and on the basis of the statements made by respondent in his application for reinstatement.

The Board reviewed the entire record, including the Judgment of Conviction for Health Care Fraud, the Application to Surrender License granted by the New York Board

on January 24, 2002, the Final Adjudication and Order of the Pennsylvania State Board of Dentistry, dated April 26, 2005, as well as respondent's July 2003 application for reinstatement of his New Jersey dental license.

Following its review, the Board provisionally found that respondent applied for reinstatement of his license to practice dentistry through fraud, deception, or misrepresentation, in violation of N.J.S.A. 45:1-21(a), by failing to disclose that his license to practice dentistry in New York had been voluntarily surrendered. Additionally, the Board found that respondent's conviction on January 3, 2002 for Health Care Fraud (18 U.S.C. 1374), was the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense, in violation of N.J.S.A. 45:1-21(b).

The Board also found that respondent's conviction for Health Care Fraud (18 U.S.C. 1374), constituted a conviction for a crime or offense involving moral turpitude or relating adversely to the activity regulated by the Board in violation of N.J.S.A. 45:1-21(f). Also, the Board found that respondent's license had been surrendered in the State of New York and revoked by the Commonwealth of Pennsylvania, consistent with the provisions of N.J.S.A. 45:1-21, in violation of N.J.S.A. 45:1-21(g). Finally, respondent's conviction for Health Care Fraud (18 U.S.C. 1374) constitutes a violation of an insurance fraud prevention law in violation of N.J.S.A. 45:1-21(k).

Accordingly, on September 11, 2006, the Board entered a Provisional Order of Discipline against respondent. The order provisionally revoked respondent's license to practice dentistry in the State of New Jersey. In response to the Provisional Order of Discipline the respondent, through his attorney Michael E. Quiat, offered evidence in mitigation of penalty. Such

evidence included proof of respondent's participation in community service activities, as well as participation in continuing dental education activities. The Board also notes that respondent has complied with the terms of his release from prison.

Following service of the Provisional Order of Discipline, the parties have agreed that in lieu of the filing of a Final Order of Discipline, the Provisional Order of Discipline would be resolved via the entry of this Consent Order. The Board finds that the facts presented establish a basis for disciplinary action, including suspension of respondent's license, pursuant to N.J.S.A. 45:1-21(b),(f),(g) and (k). It appearing that respondent desires to resolve this matter without recourse to additional formal proceedings, and having considered the mitigation evidence provided by respondent, the Board has determined that this settlement adequately protects the public health, safety and welfare, and for good cause shown;

IT IS ON THIS 16<sup>th</sup> DAY OF July, 2008  
HEREBY ORDERED AND AGREED THAT:

1. Respondent's license to practice dentistry in the State of New Jersey is hereby suspended for a period of five (5) years. The first year shall be served as an active period of suspension. The remaining four (4) years shall be stayed and served as a period of probation. Such stayed suspension shall be activated should respondent engage in any violations of the statutes or regulations governing the practice of dentistry during the entire suspension period or if he engages in any violation of this order.
2. Within fourteen (14) days of the date of this order, respondent shall surrender his biennial registration, CDS registration, DEA registration, and prescription pads bearing his name to investigators from the Enforcement Bureau, Division of Consumer Affairs.
3. Respondent shall immediately cease and desist any practice of dentistry in

the State of New Jersey. Respondent shall comply with the attached directives applicable to any dentist whose license has been suspended, which are attached to this order and incorporated by reference.

4. Prior to any restoration of his license, respondent shall:

a. Appear before the Board, or a committee of the Board, to discuss his readiness to re-enter the practice of dentistry. At that time, respondent shall be prepared to propose his plans for future practice in New Jersey.

b. Demonstrate to the satisfaction of the Board that he is physically and psychologically fit and that he is capable of discharging the functions of a licensee in a manner consistent with the public's health, safety and welfare and that he is not then suffering from any impairment or limitation which could affect his practice.

c. Affirmatively establish his fitness, competence and capacity to re-enter the active practice of dentistry within New Jersey, including an accounting of all continuing education courses completed while his license was surrendered.

d. Provide the Board with a full account of his conduct during the intervening period.

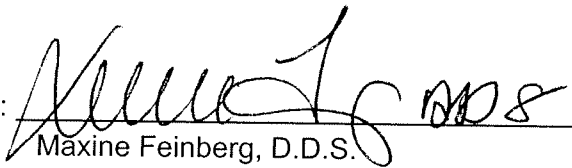
5. The Board, in its sole discretion, will determine whether and under what conditions respondent may return to practice. Any reinstatement of respondent's license can be conditioned on such limitations, monitoring or restrictions as the Board finds necessary to protect the public health, safety and welfare.

6. Upon his return to practice in New Jersey, respondent shall complete one hundred (100) hours of dental related community service in the State of New Jersey. Such community service shall be pre-approved by the Board and shall be completed within six


(6) months of respondent's reinstatement of his dental license. Failure to comply with this requirement will be considered a violation of this order and will result in the stayed period of suspension becoming active.

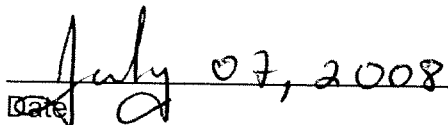
7. Any practice in this State prior to formal reinstatement of license by the Board shall constitute grounds for a charge of unlicensed practice.

NEW JERSEY STATE BOARD OF DENTISTRY

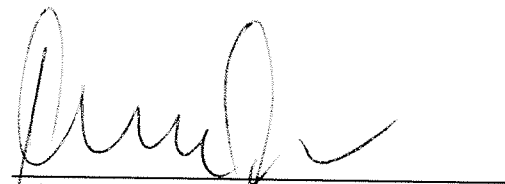
By:   
Maxine Feinberg, D.D.S.  
Board President

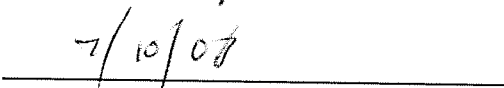
I have read and I understand this Consent Order and agree to be bound by its terms. I consent to the entry of this order.

  
Vincent A. LaBruna, D.D.S.

  
Date July 07, 2008

I hereby agree to the entry of this order as to form.

  
Michael E. Quiat, Esq.

  
Date 7/10/08

**DIRECTIVES APPLICABLE TO ANY DENTISTRY BOARD LICENSEE  
WHO IS SUSPENDED, REVOKED OR WHOSE SURRENDER OF LICENSURE  
HAS BEEN ACCEPTED**

A practitioner whose license is suspended or revoked or whose surrender of license has been accepted by the Board, shall conduct him/herself as follows:

**1. Document Return and Agency Notification**

The licensee shall promptly deliver to the Board office at 124 Halsey Street, 6th floor, Newark, New Jersey 07102, the original license and current biennial registration certificate, and if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances Registration. With respect to suspensions of a finite term, at the conclusion of the term, the licensee may contact the Board office for the return of the documents previously surrendered to the Board.

**2. Practice Cessation**

The licensee shall cease and desist from engaging in the practice of dentistry in this State. This prohibition not only bars a licensee from rendering professional services, but also from providing an opinion as to professional practice or its application, or representing him/herself as being eligible to practice. Although the licensee need not affirmatively advise patients or others of the revocation, suspension or surrender, the licensee must truthfully disclose his/her licensure status in response to inquiry. The disciplined licensee is also prohibited from occupying, sharing or using office space in which another licensee of this Board provides health care services. Unless otherwise ordered by the Board, the disciplined licensee may contract for, accept payment from another licensee for or rent at fair market value office premises and/or equipment. In no case may the disciplined licensee authorize, allow or condone the use of his/her provider number by the practice or any other licensee or health care provider. In situations where the licensee has been suspended for less than one year, the licensee may accept payment from another professional who is using his/her office during the period that the licensee is suspended, for the payment of salaries for office staff employed at the time of the Board action.

A licensee whose license has been revoked, suspended for one (1) year or more or permanently surrendered must remove signs and take affirmative action to stop advertisements by which his/her eligibility to practice is represented. The licensee must also take steps to remove his/her name from all prescription blanks and pads, professional listings, telephone directories, professional stationery, or billings. If the licensee's name

is utilized in a group practice title, it shall be deleted.

Prescription pads bearing the licensee's name shall be destroyed. A destruction report form shall be obtained from the Office of Drug Control (973-504-6558) and filed with that office. If no other licensee is providing services at the practice location, all medications must be removed and returned to the manufacturer (if possible), or destroyed or safeguarded. In situations where the licensee has been suspended for a period of less than one year, prescription pads and medications must be secured in a locked place for safekeeping.

### **3. Practice Income Prohibitions/Divestiture of Equity Interest in Professional Service Corporations**

A licensee shall not charge, receive or share in any fee for professional services rendered by him/herself or others while barred from engaging in the professional practice. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred on a patient's behalf prior to the effective date of the Board action.

A licensee whose license is revoked, surrendered or suspended for a term of one (1) year or more shall be deemed to be disqualified from the practice, and shall be required to comply with the requirements to divest him/herself of all financial interest in the professional practice pursuant to Board regulations contained in N.J.A.C. 13:30-8.21. Such divestiture shall occur within 90 days following the entry of the Board Order. Upon divestiture, a licensee shall forward to the Board a copy of documentation forwarded to the New Jersey Department of Treasury, Commercial Reporting Division, demonstrating that the interest has been terminated. If the licensee is the sole shareholder in a professional service corporation, the corporation must be dissolved within 90 days of the licensee's disqualification.

### **4. Patient Records**

If, as a result of the Board's action, a practice is closed or transferred to another location, the licensee shall ensure that during the three (3) month period following the effective date of the disciplinary order, a message will be delivered to patients calling the former office premises, advising where records may be obtained. The message should inform patients of the names and telephone numbers of the licensee (or his/her attorney) assuming custody of the records. The same information shall also be disseminated by means of a notice to be published at least once per month for three (3) months in a newspaper of general circulation in the geographic vicinity in which the practice was conducted. At the end of the three month period, the licensee shall file with the Board the name and telephone number of the contact person who will have access to patient records of former patients. Any change in that individual or his/her telephone number shall be promptly reported to the Board. When a patient or his/her representative requests a copy of his/her patient record or asks that the record be forwarded to another health care provider, the licensee shall promptly provide the record without charge to the patient.



## **5. Probation/Monitoring Conditions**

A disciplined practitioner whose active suspension of license has been stayed in full or in part, conditioned upon compliance with a probation or monitoring program, shall fully cooperate with the Board or its designated representatives, including the Enforcement Bureau of the Division of Consumer Affairs, in ongoing monitoring of the licensee's status and practice. Such monitoring shall be at the expense of the disciplined practitioner.

(a.) Monitoring of practice conditions may include, but is not limited to, inspection of professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.

(b.) Monitoring of status conditions for an impaired practitioner may include, but is not limited to, practitioner cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law from any treatment facility, other treating practitioner, support group or other individual or facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by the rehabilitation program for impaired practitioners. If bodily substance monitoring has been ordered, the practitioner shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and by providing the designated sample.

## **6. Reports of Reimbursement**

A disciplined practitioner shall promptly report to the Board his/her compliance with each directive requiring monies to be reimbursed to patients to other parties or third party payors or to any Court.

## **7. Report of Changes of Address**

A disciplined practitioner shall notify the Board office in writing within ten (10) days of change of address.

**NOTICE OF REPORTING PRACTICES OF BOARD**  
**REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Dentistry are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record thereof, including the transcript and documents marked in evidence, are available for public inspection upon request.

Pursuant to Public Law 101-191, the Health Insurance Portability and Accountability Act, the Board is obligated to report to the Healthcare Integrity and Protection Data Bank any adverse action relating to a dentist:

- (1) Which revokes or suspends (or otherwise restricts) a license; or
- (2) Which censures, reprimands or places on probation, or restricts the right to apply or renew a license; or
- (3) Under which a license is surrendered.

In accordance with an agreement with the American Association of Dental Examiners, a report of all disciplinary orders is provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order may appear on the public agenda for the monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board. In addition, the same description may appear on the Internet Website of the Division of Consumer Affairs.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.